

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.817 OF 2006

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Dated: 10-01-2006

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Between

B. Rajaratnam, S/o. B. Ramaswamy,
R/o. 16/1300-1, D.C. Road, Masapet,
Kadapa.

...PETITIONER

AND

The Kadapa Municipal Corporation,
Kadapa, Kadapa District rep. by its
Commissioner.

...RESPONDENT

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondent in dispossessing and demolishing the premises bearing No.D.No.16/1300-1, situated at Kadapa D.C. Road, Masapet, Kadapa belonging to him as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the owner of above said premises in Kadapa town and municipality. The Kadapa municipality has been recently upgraded as Municipal Corporation. In view of the traffic congestion and to have free flow of

traffic the Kadapa Municipal Corporation has decided to widen the roads, for which they have identified 26 roads in the entire Kadapa municipal corporation. Learned counsel for the petitioner further submits that the petitioner is not at all against the road-widening programme of the respondent and he has no objection for the said programme if his premises are acquired and if proper compensation is paid.

The only grievance of the petitioner is that the respondent without issuing any notices, without paying any compensation for his structures or the lands and without following due process of law, is threatening to demolish the existing structures of the petitioner for the purpose of road-widening.

The learned counsel for the petitioner further submits that the action of respondent without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act, 1894 is utter violation of the principles of natural justice as well as Sections 146 and 147 of the Municipal Corporation Act (for short 'the Act').

This Court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondent not to demolish the structures or take away any portion of the properties of the petitioner and not to dispossess him without following due process of law under Sections 146 and 147 of the Act or private negotiations or initiating the proceedings under the Land Acquisition Act. No costs.

V. ESWARAIAH, J

January 10, 2006

DSK

